

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KDH CONSULTING GROUP LLC, directly and derivatively on behalf of ITERATIVE CAPITAL, L.P.,

20-cv-3274 (VM)

Plaintiff,

v.

ITERATIVE CAPITAL MANAGEMENT L.P.,
ITERATIVE CAPITAL GP, LLC, BRANDON
BUCHANAN, and CHRISTOPHER DANNEN,

Defendants.

STIPULATION AND ORDER

WHEREAS, on April 27, 2020, Plaintiff KDH Consulting Group LLC (“KDH” or “Plaintiff”) commenced this action by filing its complaint against defendants Iterative Capital Management L.P., Iterative Capital GP, LLC, Iterative OTC, LLC (d/b/a “i2 Trading” and “Escher”), Iterative Mining, LLC, Brandon Buchanan, and Christopher Dannen (collectively, “Defendants”);

WHEREAS on July 20, 2020, KDH filed its first amended complaint against Defendants;

WHEREAS on March 23, 2021, pursuant to this Court’s Decision and Order, defendants Iterative OTC, LLC (d/b/a “i2 Trading” and “Escher”) and Iterative Mining, LLC were dismissed from this action;

WHEREAS, on April 6, 2021, the remaining Defendants filed their answer, wherein they denied the allegations contained in Plaintiff’s first amended complaint;

WHEREAS, the parties have been engaged in discovery on Plaintiff’s claims;

WHEREAS, on October 8, 2021, Plaintiff filed a complaint in Delaware asserting claims arising out of the alleged breach of the limited partnership agreement against the above-

captioned Defendants and their related entities, and that case is still pending. *See Case No. 2021-0868 (Del. Ch.);*

WHEREAS, Plaintiff now desires to dismiss this litigation in its entirety, and without payment of any amount by Defendants.

IT IS THEREFORE STIPULATED AND AGREED, BY AND AMONG THE UNDERSIGNED COUNSEL FOR PARTIES TO THIS ACTION, AS FOLLOWS:

1. Pursuant to Rule 41 of the Federal Rules of Civil Procedure, the above-captioned action is hereby dismissed with prejudice in its entirety, without costs or attorneys' fees to any party; and
2. This stipulation may be executed in counterparts, by facsimile, by electronic signature, or by e-mail attachments in PDF format, which facsimiles or PDF copies shall be deemed originals, for filing the same with the Court.

POLLOCK COHEN LLP

By: /s/ Raphael Janove
Adam Pollock
Raphael Janove
60 Broad Street, 24th Flr.
New York, New York 10004
Tel.: (212) 337-5361

Attorneys for Plaintiff

BARNES & THORNBURG LLP

By: /s/ Robert J. Boller
Robert J. Boller
Julia R. Livingston
445 Park Avenue, Suite 700
New York, NY 10022
(646) 746-2000

Attorneys for Defendants

SO ORDERED:

Hon. Victor Marerro, U.S.D.J.